

#### Suzanne Steab< suzannesteab@utah.gov>

#### **Bond Forms**

1 message

**Suzanne Steab** < suzannesteab@utah.gov>
To: Kirk Nicholes <knicholes@altoncoal.com>
Cc: "Haddock, Daron" <daronhaddock@utah.gov>

Fri, Jun 7, 2013 at 2:00 PM

Hello Kirk,

Please see the attached forms to increase the bond.

If you are going to increase the bond by increasing the existing bond, a Rider to increase the surety, and Exhibit D (revises the Reclamation Contract) are required.

If you are doing a separate surety, Exhibit B would be required to establish the surety (completed by the surety company), and Exhibit D to revise the Reclamation Contract.

In either situation, Exhibit A will need to be completed to increase the disturbed acreage for Phase II of the Coal Hollow Mine.

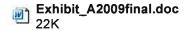
All Exhibits will need the necessary Affidavits of Qualification.

If you have any questions, please call.

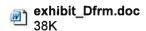
Thanks

Suzanne Steab, Engineering Technician II Division of Oil, Gas & Mining 1594 West North Temple, Suite 1210 Salt Lake City, Utah 84114-5801

#### 4 attachments







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### **EXHIBIT "A"**

#### Bonded Area Legal Description

(Non-Federal Coal)

Exhibit "A"
Legal Description
Non-Federal
Bond Number

#### **EXHIBIT "A"**

Pursuant to R645-301-820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:				
Map(s) showing the BONDED AREA within the a	pproved PERMIT AREA :			
Legal description of BONDED AREA:				
The above described area shall be modified as nece disturbed as a result of an expansion of coal mining area may also be decreased as a result of partial rec	g and reclamation operations. The described			
IN WITNESS WHEREOF the SURETY has here	eunto set its signature and seal this			
day of, 20				
	SURETY			
	By:			
	Title:			

### **EXHIBIT "B"**

# **Bonding Agreement Surety Forms**

(Non-Federal Coal)

Exhibit "B" Non-Federal Surety Bond Non-Federal

Bond Num	ıber:
EXHIBIT "B"	
SURETY BOND	
(NON-FEDERAL COAL)	
ooOOoo	
This <b>SURETY BOND</b> entered into by and between the undersigned <b>PERMITTEE/PRINCIPAL</b> , and <b>SURETY</b> , hereby jointly and bind ourselves, our heirs, administrators, executors, successors and assigns un of Utah, Division of Oil, Gas & Mining ( <b>DIVISION</b> ) in the penal sum of (Surety Bond Amount) for the timely performance of reclamation responsibili surface disturbance described in Exhibit "A" of the Reclamation Agreement.	to the State(\$)
This <b>SURETY BOND</b> will remain in effect until all of the <b>PERMITT PRINCIPAL'S</b> reclamation obligation have been met and released by the <b>DI</b> and is conditioned upon faithful performance of all of the requirements of the applicable rules and regulations, the approved permit, and the <b>DIVISION</b> .	VISION
The <b>SURETY</b> will not cancel this bond at any time for any reason, inc payment of premium or bankruptcy of the Principal during the period of liabil	_
The <b>SURETY</b> and their successors and assigns, agree to guarantee the and to indemnify, defend, and hold harmless the <b>DIVISION</b> from all expenses <b>DIVISION</b> may sustain as a result of the <b>PERMITTEE'S/PRINCIPAL'S</b> far	s which the

The SURETY will give prompt notice to the PERMITTEE/PRINCIPAL and to the **DIVISION** of any notice received or action alleging the insolvency or bankruptcy of the SURETY, or alleging any violations or regulatory requirement which could result in suspension or revocation of the SURETY'S license.

comply with the condition(s) of the reclamation obligation.

Terms for release or adjustment of the **BOND** are as written and agreed to by the DIVISION and the PERMITTEE/PRINCIPAL in the RECLAMATION AGREEMENT incorporated by reference herein, to which this SURETY AGREEEMNT has been attached as Exhibit "B".

		ERMITTEE/PRINCIPAL has hereunto set
it's signature and seal this	day of	, 20
		PERMITTEE/PRINCIPAL
		By:

Title:

Exhibit "B" Non-Federal Surety Bond Non-Federal

		Bond Number:
	<b>ESS WHEREOF</b> , the, 20	SURETY has hereto set it's signature and se
uay 01 _	, 20	SURETY
		By:
		Title:
ACCEPTE	ED BY THE STATE	OF UTAH:
		Director, Division of Oil, Gas & Mining
NOTE:	this form for each virtue of Power of	Qualification must be completed and attached authorized agent or officer. Where one signs Attorney for a company, such Power of filed with this Agreement. If the

**PERMITTEE/PRINCIPAL** is a corporation, the Agreement shall be executed by it's duly authorized officer.

## EXHIBIT "D"

Stipulation to Revise Reclamation Agreement (Non-Federal)

Exhibit "D" Stipulation to Revise Reclamation Agreement Non-Federal

Permit Number:\_\_\_\_\_

Effective Date:
Bond Number:
COAL
STIPULATION TO REVISE RECLAMATION AGREEMENT00OO00
This <b>STIPULATION TO REVISE RECLAMATION AGREEMENT</b> entered into by and between the <b>PERMITTEE</b> and <b>DIVISION</b> incorporates the following revisions or changes to the <b>RECLAMATION AGREEMENT</b> : (Identify and Describe Revisions below)
In accordance with this STIPULATION TO REVISE RECLAMATION AGREEMENT, the following Exhibits have been replaced by the PERMITTEE and are approved by the DIVISION.
Replace the Reclamation agreement in its entirety.
Replace Exhibit "A"- permit area.
Replace Exhibit "B"- bonding agreement
Replace Exhibit "C"- liability insurance
The bonding amount is revised from \$ to \$
The bonding type is changed fromtoto
The surface disturbance is revised from acres to acres.
The expiration date is revised from to
The liability insurance carrier is changed from to
The amount of insurance coverage for bodily injury and property damage is changed from \$
IN WITNESS WHEREOF, the PERMITTEE has hereunto set its signature and seal this day of . 20

Exhibit "D"
Stipulation to Revise
Reclamation Agreement
Non-Federal

	PERMITTEE
	By:
	Title:
ACCEPTED BY THE STATE OF UTAH this _	day of, 20
Director, Div	rision of Oil, Gas and Mining

NOTE:

An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

# AFFIDAVITS OF QUALIFICATION

# AFFIDAVIT OF QUALIFICATION DIRECTOR --00OO0--

John R. Baza, being first duly sworn under oath, deposes and says that he is the Director for the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah; and that he is duly authorized to execute and deliver the foregoing obligations; and that said Director is authorized to execute the same by authority of laws on behalf of the State of Utah.

	John R. Baza Director, Division of Oil, O	Gas and Mining
STATE OF) ss: COUNTY OF)		
Subscribed and sworn to before me this	day of	20
	Notary Public	
My Commission Expires:		
, 20		

# AFFIDAVIT OF QUALIFICATION PERMITTEE

--ooOOoo--

I,, being	g first duly sworn under oath, deposes and says	that he/she is			
the (officer or agent)	of;				
and that he/she is duly authorized to ex-	secute and deliver the foregoing obligations; an	d that said			
PERMITTEE is authorized to execute t	the same and has complied in all respects with	the laws of			
Utah in reference to commitments, und	dertakings and obligations herein.				
	(Signed) Name - Position				
Attest: Secretary of the Corporation					
STATE OF)  COUNTY OF) Subscribed and sworn to before me this	ss: s day of, 20				
	Notary Public				
My Commission Expires:					
, 20					

# AFFIDAVIT OF QUALIFICATION INSTITUTION (Bank or Agency) --ooOOoo--

INSTITUTION (Bank or Agency) is authori	peing first duly sworn under oath, deposes and says that of; ate and deliver the foregoing obligations; and that said execute the same and has complied in all respects itments, undertakings and obligations herein.
	(Signed) Name - Position
Attest:	
STATE OF) COUNTY OF) ss:	
Subscribed and sworn to before me this	day of, 20
	Notary Public
My Commission Expires:	
, 20	

#### AFFIDAVIT OF QUALIFICATION SURETY COMPANY --00OO0--

I,, being first duly	sworn under oath, deposes and says that he/she
is the (officer or agent)	of;
and that he/she is duly authorized to execute and de	liver the foregoing obligations; and that said
SURETY COMPANY is authorized to execute the	same and has complied in all respects with the
laws of Utah in reference to becoming sole surety u	pon bonds, undertakings and obligations
herein.	
	(Signed) Surety Company Officer - Position
Attest:	
STATE OF)  COUNTY OF)  ss:	
Subscribed and sworn to before me this day of	, 20
	Notary Public
My Commission Expires:	
, 20	

## POWER OF ATTORNEY

## POWER OF ATTORNEY --00OO0--

The			(Con	poration)	, having its p	rincipal	office in
	(Location),	does	hereby	make,	constitute	and	appoint
	[Attorney(s)], as its	true and	lawful Att	orney(s)-i	n-fact in their	separate	capacity,
if more than one is a	named above, to ma	ake, exec	cute, sign,	seal and	deliver for an	d on its	behalf as
surety and as its act a	nd deed (without po	wer of re	e-delegatio	n) any and	l all bonds and	underta	kings and
other writings obliga	tory in the nature th	ereof pro	ovided in th	ne amoun	t of no one bor	nd or un	dertaking
exceeding (\$)	<del>,</del>						
The execution had been duly execution		ration) as	fully and	to all inte	nts and purpo		the same
IN WITNESS	S THEREOF, this _	day	of		_, 20		
Camptony			Presid	ont		-	
Secretary			FIESIG	ent			
Subscribed and swor	n to before me this	day	/ of		, 20		
My Commission Exp	oires:		Notar	y Public		-	
,	20						
Attest:							
STATE OF	)	ss:					
COUNTY OF	)	33.					